



November 26, 2014

Office of Health Policy
c/o Diona Mullins, Policy Advisor
Cabinet for Health & Family Services
275 E. Main Street, 4W-E
Frankfort, KY 40621



RE: Certificate of Need Program

Dear Ms. Mullins,

Please accept this letter as feedback from Nurses Registry and Home Health regarding possible strategies for and changes to the Certificate of Need Program. Nurses Registry asked the program directors and managers for their input. Please see the comments below:

Patricia Hagan, EPSDT Services Coordinator

"The current practices within the CON process allows for other agencies to oppose a potential new provider even if those opposing do not provide the designated service themselves. When a CON was requested to establish a pediatric specific home health agency four separate agencies opposed this yet none could show proof that they provided intermittent home health services to infants and children in the targeted area. One of those opposing was not even a home health provider in the proposed service area. To allow an agency to oppose a service that they themselves are unwilling to provide only ends up restricting the patient's access to health care in the least restrictive environment and to care that is more cost effective to the State.

Our recommendations are (1) that any agency opposing the CON of another must first show proof that they currently provide the proposed service(s) in the designated area and (2) are able to meet the specified needs without restrictions."

Jeanie Lemaster, Program Development

Current agencies should be protected and allowed to expand their services in a controlled setting without the administrative burden of a hearing. Our recommendations are as follows:

- 1. Allow agencies who have been in Kentucky for at least 5 years to expand to any contiguous county in Kentucky without the added burden of a CON hearing. They may expand up to 3 counties but limited to an every 24 month cycle.*
- 2. Any expansion would require the agencies to accept a certain percentage of Medicaid, EPSDT and supply only patients.*
- 3. Restrict agencies in Kentucky that have changed ownership from expanding for at least 36 months after the sale has been finalized. In*

addition, require that they have an initial hearing for their proposed expansion.

4. *Restrict agencies in Kentucky that have expanded within the previous 5 years and also changed ownership from expanding past the original CON counties for at least 36 months after the sale has been finalized. In addition, require that they have an initial hearing for their proposed expansion.*

Thank you for the opportunity and forum for expressing concerns and suggestions for possible strategies for and changes to the Certificate of Need Program. If you have any further questions or require additional information, please feel free to contact us at 859-255-4411.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Kennedy, CCO".

Rashonda Kennedy
Chief Compliance Officer

cc:

Lennie G House, CEO
Patricia Allred, COO
Patricia Hagan, EPSDT Services Coordinator
Jeanie Lemaster, Program Development

